

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MAKITA TOWNSEND, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 2:06cv263-CSC
)	
PTL PASCALL TRUCK LINES, <i>et al</i> ,)	
)	
Defendants.)	

ORDER

This matter is currently pending before the court for approval of a settlement of the claim of A.J., Jr.¹ against the defendants. The parties also ask the court to dismiss the claims of the three other minor plaintiffs, K.T., K.R. and A.J. because K.R. and A.J.s' claims were settled for less than \$5000 each (\$4250.00) while K.T.'s had no special damages and are voluntarily dismissed. Pursuant to 28 U.S.C. § 636(c)(1) and M.D. Ala. LR 73.1, the parties have consented to the United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment.

A pro ami hearing was held on September 25, 2006. Present at the hearing were the attorneys for the parties as well as the guardian ad litem for the minor plaintiff was Kelly F. Pate. At the hearing, counsel informed the court that a tentative settlement agreement had been reached in the amount of \$100,000.00 in favor of the minor plaintiff.

¹ Pursuant to the E-Government Act of 2002, as amended on August 2, 2002, and M.D. Ala. General Order No. 2:04mc3228, the court has redacted the minor children's names throughout this opinion and refers to them only by their initials. Because this particular plaintiff has the same initials as another minor plaintiff, the court adds the suffix Jr. to his initials to distinguish between plaintiffs.

The court has considered evidence, presented by the parties by stipulation, has considered the report of the plaintiff's attorney as to proposed disbursements of settlement amounts, and has heard the recommendation of the guardian ad litem that the settlement be accepted and ratified. Based upon the information provided at the hearing, the court is satisfied that the settlement is fair, reasonable and in the best interest of the child.

Accordingly, it is hereby ORDERED:

1. That the settlement amount of \$100,000.00 paid by the defendants to the minor plaintiff be approved and that judgment be entered in favor of the minor plaintiff in that amount with all costs taxed to the defendants. The settlement funds shall be paid to counsel for the plaintiff.

2. That the settlement proceeds shall be disbursed as follows:

Amount of Settlement	\$100,000.00
Less expenses to attorney	\$ 6,000.00
Less attorney's fees (40%)	\$ 37,600.00
Net total amount to be disbursed to A.J.Jr.	\$ 56,400.00

3. That Kelly Pate be awarded a guardian ad litem fee of not more than \$2000.00 which amount shall be paid by the defendants, not more than 30 days from the date of this order.

4. That upon payment of the settlement amount and costs by the defendants, the defendants are discharged from any further liability to the minor plaintiff for any damages suffered, past or future, and upon payments of the amounts ordered herein the judgment shall

be satisfied.

5. That evidence of appointment of a conservator be filed with the court on or before October 27, 2006.

6. That the Pro Ami Judgment be and is hereby INCORPORATED into this order.

7. That, in accordance with the settlement agreements reached between the parties, the claims of K.R. and A.J. be and are hereby DISMISSED with prejudice.

8. That the plaintiff's oral motion to voluntarily dismiss the claims of K.T. be and is hereby GRANTED and the claims of K.T. be and are hereby DISMISSED.

9. That this case be and is hereby DISMISSED with prejudice.

Done this 27th day of September, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE